

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1-19 are pending in this application. Claims 1, 7, 10, and 15 have been amended. Claims 1 and 10 have been amended to emphasize that the user identification data being stored with the image data is allocated to that image data. See the specification at page 12, lines 14-21, for example. Claim 7 has been amended so as to depend from Claim 1 and to state that “said user identification selection unit is displayed on the touch panel.” See the specification at page 16, lines 11-15, for example. Claim 15 has been amended in similar fashion to depend from Claim 10 and to recite the display of this user identification unit on the touch panel for selecting the user identification data. Note again the specification at page 16, lines 11-15, for example. Accordingly, the claim amendments do not add any new matter.

The outstanding Office Action presents a rejection of Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Kato (U.S. Patent No. 6,141,111) and Nagashima (U.S. Patent No. 6,438,574).

Before considering this rejection, it is believed that a brief review of the claimed subject matter would be helpful. In this regard, exemplary independent Claim 1 relates to a data transmission apparatus in a data processing device that includes a user identification selection unit that selects user identification data including an operator ID for using the data processing device and owner IDs for giving authorization to access image data captured by the data processing device and a user management unit that allocates the user identification data to the image data and stores the user identification data allocated to the image data in a storage device each time the image data is captured.

Turning to the asserted combination of Kato and Nagashima, it is respectfully submitted that these references do not alone or together teach or suggest all the features of amended independent Claims 1, 10, 18, and 19. Accordingly, withdrawal of the rejection of independent Claims 1, 10, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Kato and Nagashima is respectfully requested.

In his regard, Claim 1 has been amended to recite a data transmission apparatus in a data processing device that includes “a user management unit that allocates the user identification data to the image data and stores the user identification data allocated to the image data in a storage device each time the image data is captured.” Independent Claim 10 has a similar step feature and independent Claims 18 and 19 recite that “the operator ID and the owner ID corresponding to the image data” are stored.

Kato does not teach or suggest that the relied upon (at the bottom of page 2 of the outstanding Action) Fig. 5 steps S4-S7 described at col. 6, lines 17-46, have any thing to do with the subject matter of independent Claims 1 and 10 requiring allocating of the user identification data to the image data and storage of the user identification data allocated to the image data (or similar storing of “the operator ID and the owner ID corresponding to the image data” in Claims 18 and 19).

Instead, Fig. 5 of Kato teaches that a desired subject is first taken by the digital still camera 11 (STEP S1) and the obtained image data are transferred to the image printer via a serial cross cable or a PC card memory (the communication interface 15, 9) (STEP S2). The image printer 26 produces the extra-copy designation sheet 100 based on this transferred data or data stored in the management data portion 62 (STEP S3). Then, the user (operator) enters a user ID No., the required extra-copy check mark and the number of extra copies onto the produced and output extra-copy designation sheet 100 (STEP S4) and inputs this extra-copy designation sheet into the image printer 26 again (STEP S5). When the extra-copy

designation sheet 100 is thus input, the image printer 26 recognizes the entered data on the sheet, that is, the contents of the user ID input portion 101, the bin output selection portion 104, the E-mail delivery selection portion 105, the image index portion 102 and the extra-copy check portion 103 (STEP S6) and stores the recognition results in the extra-copy designation sheet recognition result data portion 58 (STEP S7).

Thus, the Kato user ID No. that is stored is not taught or suggested to be selected by anything, much less the independent Claim 1 user identification selection unit that must select both “an operator ID for using the data processing device and owner IDs for giving authorization to access image data” or the similar “user identification setting unit” of independent Claim 18. This Kato user ID No. is also not taught or suggested to be allocated by the independent Claim 1 “user management unit” that must “allocate the user identification data to the image data and store the user identification data allocated to the image data in a storage device each time the image data is captured” or to be stored as the independent Claim 18 “operator ID and the owner ID corresponding to the image data.” Also, the Kato user ID No. storing is not taught or suggested to be the independent Claim 10 required “allocating the user identification data to the image data each time the image data is captured” or the further required “storing the user identification data allocated to the image data in a storage device” or the independent Claim 19 required “setting an operator ID for an operator who uses the scanner to read the image, and at least one of owner IDs for owners who are authorized to access the image data” and further required “storing ... the operator ID and the owner ID corresponding to the image data.”

Moreover, Nagashima at best teaches including password data or an ID card to activate an operation in relied upon Figs. 6-11. However, even if the device of Nagashima has stored a password or ID code to compare to the one entered as in steps S1, S12, S24, S42, S54, and S65, this is not cure the deficiencies noted above as to Kato. For example,

Nagashima does not teach or suggest that the password or ID information taught therein in any way should include the Claim 1 “an operator ID for using the data processing device and owner IDs for giving authorization to access image data” or the similar ID required by independent Claims 10, 18, and 19. Also, it is clear, for example, whatever “password” or ID information might be stored, Nagashima does not teach or suggest that the storing of this kind of user information data (operator ID for using the data processing device and owner IDs for giving authorization to access image data) that has been allocated to image data in a storage device.

Accordingly, it is respectfully submitted that the rejection of independent Claims 1, 10, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Kato and Nagashima is improper and should be withdrawn.

Claims 2-9 depend either directly or indirectly on independent Claim 1 while Claims 11-17 depend either directly or indirectly on independent Claim 10. Consequently, the rejection of Claims 2-9 under 35 U.S.C. §103(a) as being unpatentable over Kato and Nagashima is improper and should be withdrawn for at least the reasons noted above as to independent Claim 1. Moreover, the rejection of Claims 11-17 under 35 U.S.C. §103(a) as being unpatentable over Kato and Nagashima is improper and should be withdrawn for at least the reasons noted above as to independent Claim 10.

Furthermore, as the features added by these dependent claims are also not taught or suggested by the applied references, dependent Claims 2-9 and 11-17 are respectfully submitted to further patentably define over these references considered alone or together in any proper combination for this reason as well.

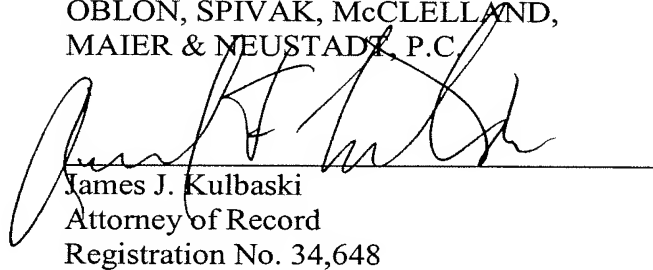
Moreover, the rejection as applied to Claims 7 and 15 attempts to substitute unsupported assertions for evidence. Applicants challenge the assertions that the claimed touch panel with the history buttons, start key, and user identification selection unit “is well

known in the art” or that the art at issue includes ATM machines. Furthermore, no ATM machines are known to applicant that incorporates this specifically claimed subject matter and substituting such assertions for evidence as to claimed subject matter is improper. *See In re Zurko*, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) (“With respect to core factual findings in a determination of patentability, however, the [PTO] . . . must point to some concrete evidence in the record in support of these findings.”)

Accordingly, it is respectfully submitted that no further issues remain outstanding in the present application, and that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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